

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LEROY CARTER, III,

Plaintiff,

-against-

DEPUTY SHERIFF RIVERA, Suffolk County  
District Court, and SHERIFF VINCENT DEMARCO,  
Suffolk County,

Defendants.

\_\_\_\_\_  
FEUERSTEIN, J.

**ORDER**  
**CV-07-4317(SJF)(ARL)**

Pending before this Court is the Report and Recommendation (the Report) of Magistrate Judge Arlene R. Lindsay dated June 22, 2010, recommending that defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure be granted. No objections have been filed to the Report.<sup>1</sup> For the reasons stated herein, the Court accepts Magistrate Judge Lindsay's Report in its entirety.

I

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). Any portion of a report and recommendation on dispositive matters, to which a timely objection has

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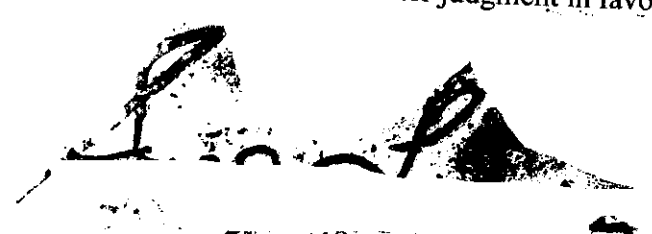
<sup>1</sup> Although the Court initially served the Report upon plaintiff at the Yaphank Correctional Facility, which was the address designated by plaintiff at which to contact him, that mail was returned to the Court as undeliverable. Although it is plaintiff's obligation to keep the Court and parties apprised of his current whereabouts, defendants subsequently provided the Court with plaintiff's new address and served the Report upon plaintiff at that location on July 6, 2010. Accordingly, the fourteen (14) day period within which plaintiff was required to serve and file any objections to the Report was calculated from the date defendants served plaintiff with the Report.

been made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. See, Thomas v. Arn, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. See, Fed. R. Civ. P. 72(b); Baptichon v. Nevada State Bank, 304 F.Supp.2d 451, 453 (E.D.N.Y. 2004), aff'd, 125 Fed.Appx. 374 (2d Cir. 2005); Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

## II

No party has filed any objections to Magistrate Judge Lindsay's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts and adopts Magistrate Judge Lindsay's Report as an Order of the Court. Defendants' motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure is granted and the complaint is dismissed in its entirety. The Clerk of the Court shall enter judgment in favor of defendants and close this case.

SO ORDERED.

  
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SANDRA J. FEUERSTEIN  
United States District Judge

Dated: July 28, 2010  
Central Islip, New York